

CIVIL COMPLAINT

1

FORMS and INSTRUCTIONS

Law Library Resource Center

CIVIL COMPLAINT in MARICOPA COUNTY SUPERIOR COURT

CHECKLIST

You may use this packet if the following factors apply to your situation:

- ✓ You are the person (plaintiff) that brings a complaint to court to sue a person or entity (defendant) that you believe has done you wrong; **and**
- ✓ The amount involved to remedy your case, exclusive of interest, costs, and awarded attorney fees when authorized by law, is \$10,000 or more **OR**,
- ✓ You are asking for something other than money in damages, or both; **and**
- ✓ You are starting this case in the Maricopa County Superior Court because
 - You or the defendant live in Maricopa County, or
 - The subject of the case began or happened in Maricopa County, or
 - The land or personal property at issue in the case is in Maricopa County.

READ ME: Consulting a lawyer before filing papers with the court may help prevent unexpected results. You may find a list of lawyers to consult or hire on the Self-Service Center website. Also on the Law Library Resource Center website is a list of court-approved mediators

Law Library Resource Center

CIVIL COMPLAINT PACKET CONTENTS

This packet contains court forms and instructions to file a Civil Complaint. The forms should appear in order as listed. Items in “**BOLD**” are forms that you will file with the Court. Non-bold items are instructions or procedures. Do **not** copy or file those pages!

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INSTRUCTIONS: How to complete forms and File a Civil Complaint

STEP 1: USING BLACK INK ONLY, Fill out the “*Civil Cover Sheet*.”

- If you are starting the case, you are the Plaintiff. The Defendant is the party you are suing. Write in “Maricopa” as the county.
- Leave the case number blank; the Clerk of Court gives you the number when you file. If you have no attorney, leave those lines blank.
- If you have no emergency, complex litigation, or no commercial case per A.R.C.P. 8(h), skip to the section titled “Nature of Action.”
- In the section named “NATURE of ACTION,” study the titles of the numbered boxes. These titles represent the various kinds of civil lawsuits. If you need more information, you may research the kinds of civil lawsuits in the books *Civil Trial Practice* and *Black’s Law Dictionary*, which you may find at the Law Library Resource Center.
- Decide what kind of lawsuit applies to the disagreement between you and the other party.
- When you find the ONE title that most accurately describes your lawsuit, place a mark in the box next to the numbered title.
- If you marked on page 1 that you have a complex case, mark the appropriate box in the last section.

STEP 2: Fill out the “*Summons*” form.

- The “Summons” is a notice to the defendant that an action against him or her is filed in the court issuing the summons. The “Summons” also tells the defendant that a judgment will be taken against him or her if the defendant does not answer the complaint within a certain time.
- Make sure you write in defendant’s name both above and below the “warning” box.
- One (1) summons per defendant. If you have more than one defendant, you must prepare a separate summons for each defendant.

STEP 3: Complete the “*Certificate of Compulsory Arbitration*” form.

- This required form asks whether the dollar amount involved in your case is above or below the \$50,000 limit.
- If the largest amount you are seeking is **\$50,000 or less**, (excluding interest, attorneys' fees, and costs) your case **is** subject to compulsory arbitration per Maricopa County Superior Court Local Rule 3.10.
- If you (as Plaintiff) are seeking an award above \$50,000, your case **is not** subject to Compulsory Arbitration.
- If you are **NOT** asking for monetary relief, your case is **NOT** subject to arbitration.

STEP 4: Fill out the “*Civil Complaint*” form.

- A civil complaint is a form a plaintiff files with the court clerk to begin a lawsuit.
- A complaint contains a clear statement of the important information about the plaintiff’s claims, what the plaintiff wants the court to order, and identifies each defendant.
- Be sure to check the statute of limitations for your type of case. Ask a reference librarian at the Law Library Resource Center for the Arizona Statute of Limitations book.
- Jurisdiction and Venue: Explain why the Maricopa County Superior Court has authority over your case by marking the box(es) next to the true statements.
- Parties: Identify the plaintiff and defendants in the case. One way to identify parties is to write their full name and address and other information so that the judge can understand each party’s relationship to your claims.

- **Statement of Facts:** Explain the relevant facts of your case in sequential order from the beginning. In this section, you will write a summary of the facts relevant to your lawsuit. Be sure to include all of the relevant facts so that the reader will understand what happened, when (date), and how those incidents were a violation of a law or legal obligation. Stating a conclusion, such as “The defendant violated my rights,” is not enough. You must explain what the defendant did that violated your legal rights. It is important for you to be familiar with the elements of each cause of action or legal claim you are raising in your complaint because you must include facts that satisfy those elements.
- **Breach:** Continue the numbered sentences or paragraph, and explain what the defendant did that caused you to file this case against the defendant.
- If you refer to a document in your statement of facts, be sure to label the document as an exhibit (Exhibit 1, Exhibit 2, etc.) and attach that document at the end of your complaint.
- Continue numbering where you left off. Do NOT repeat the numbers.
- **Applicable Law Supporting Claims:** List your allegations. This is the section in which you state laws or legal obligations violated by the defendant. You must identify the source of that law or legal obligation. For example, if the defendant violated a statute, cite the statute. If the defendant violated a contract, explain how there was a violation of a contract. If you have several claims, separate them under different sections, and title them, “Claim I,” “Claim II,” “Claim III” and so on.
- Use the Arizona Statutes at the Law Library Resource Center to find the laws you think were broken.
- **Injuries:** In numbered sentence form, explain how you were damaged, including damages to you, your property, business, trade, profession or occupation.
- **Demand for Relief:** The term “relief” refers to solutions or remedies that the court is able to order. In this section, you may write what you would like the court to do about your situation. List each request in a separately numbered sentence or paragraph. Explain in the sentence what you would like the court to do. If you ask for monetary relief, read A.R.S. § 44-1201 about interest rates.
- **Demand for Jury Trial:** (Optional) If you do not want a jury trial, skip this part. If you want a jury trial, you should request it at the end of your complaint or within 10 days of filing your complaint. Otherwise, you may be considered to have given up your right to a jury. If you want a jury trial, go back to page one (1) of the Complaint form and write “Jury Trial Requested” under the title “CIVIL COMPLAINT.”
- **Exhibits:** (Optional) If you refer to any photos, letters, or other documents in your complaint, you must attach them at the end of your complaint and label them “Exhibit A,” “Exhibit B,” and so on. You can “label” a document “Exhibit A” by placing a tabbed page that says “Exhibit A” in front of that document. It is best to use tabs so that the court can easily find the exhibits.

STEP 5: PHOTOCOPY

- Remove the Civil Coversheet from your Original packet.
- Make three (3) photocopies of the completed, original forms in your civil complaint packet.
- Place the Civil Coversheet back on top of the Original Civil Complaint form packet.
- When finished, you will have three (3) photocopied packets plus one (1) original = Four (4) separate Civil Complaint packets.

STEP 6: TAKE the 4 packets and DELIVER them to the Clerk of Court. The Clerk will give you a case number and stamp all four of your Complaint packets.

- The Court is open from 8 a.m. to 5 p.m. Monday through Friday.
- Go to the Clerk of Court at least two hours before closing.
- Choose one of the following Superior Court locations:

Downtown Phoenix
201 W. Jefferson St.
Phoenix, AZ 85003

Northeast Court Facility
18380 North 40th Street
Phoenix, Arizona 85032

Northwest Court Facility
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Southeast Court Facility
222 East Javelina Avenue, 1st Floor
Mesa, Arizona 85210-6201

STEP 7: PAY the FILING FEE to the Clerk of Court while at the Civil Filing Counter.

- You may find a list of current filing fees at the Law Library Resource Center and from the Clerk of Court's website.
- If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a fee waiver or deferral (payment plan) when you file your papers with the Clerk of the Court.
- Fee Waiver/Deferral Applications are available at no charge from the Law Library Resource Center.
- **WAIT** for the Clerk to “**date stamp**” **all four** of your civil complaint packets and **RETURN** three (3) of the copies to you
- Keep one copy for yourself.
- Take one copy to Civil Administration for the judge.
- See Step 8 to serve the other copy to the Defendant.

STEP 8: SERVE the DEFENDANT a copy of the CIVIL COMPLAINT packet.

- Please read through **Packet 2** Instructions about how to serve the defendant.
- If your “Fee Deferral or Waiver” request included Service by the Sheriff, and was approved, the Clerk will instruct you to take one Civil Complaint packet to the 2nd Floor of the West Court building Sheriff's Office for service by the Sheriff.
- You must have the Defendant's correct address listed on the Fee Deferral form when you give your papers to the Sheriff's Office.
- If you pay the filing fee with no Waiver or Deferral, you must find a process server, as instructed in Packet 2.

**In the Superior Court of the State of Arizona
In and For the County of _____**

Case Number _____

CIVIL COVER SHEET- NEW FILING ONLY
(Please Type or Print)

Plaintiff's Attorney _____

Attorney Bar Number _____

Is Interpreter Needed? ☐ Yes ☐ No
If yes, what language:

Plaintiff's Name(s): (List all)

Plaintiff's Address:

Phone #:

Email Address:

(List additional plaintiffs on page two and/or attach a separate sheet).

Defendant's Name(s): (List All)

(List additional defendants on page two and/or attach a separate sheet)

EMERGENCY ORDER SOUGHT: ☐ Temporary Restraining Order ☐ Provisional Remedy ☐ OSC

☐ Election Challenge ☐ Employer Sanction ☐ Other _____
(Specify)

☐ RULE 8(h) COMPLEX LITIGATION APPLIES. Rule 8(h) of the Rules of Civil Procedure defines a "Complex Case" as civil actions that require continuous judicial management. A typical case involves a large number of witnesses, a substantial amount of documentary evidence, and a large number of separately represented parties.

(Mark appropriate box on page two as to complexity, **in addition** to the Nature of Action case category.)

☐ THIS CASE IS ELIGIBLE FOR THE COMMERCIAL COURT UNDER EXPERIMENTAL RULE 8.1. (Maricopa County only.) Rule 8.1 defines a commercial case and establishes eligibility criteria for the commercial court. Generally, a commercial case primarily involves issues arising from a business contract or business transaction. However, consumer transactions are not eligible. A consumer transaction is one that is primarily for personal, family or household purposes. **Please review Rule 8.1 for a complete list of the criteria.** See <http://www.superiorcourt.maricopa.gov/commercial-court/>. You must check this box if this is an eligible commercial case. **In addition, mark the appropriate box below in the "Nature of Action" case category.** The words "commercial court assignment requested" must appear in the caption of the original complaint.

NATURE OF ACTION

(Place an "X" next to the **one** case category that most accurately describes your primary case.)

100 TORT MOTOR VEHICLE:

- ☐ 101 Non-Death/Personal Injury
☐ 102 Property Damage
☐ 103 Wrongful Death

110 TORT NON-MOTOR VEHICLE:

- ☐ 111 Negligence
☐ 112 Product Liability – Asbestos
☐ 112 Product Liability – Tobacco
☐ 112 Product Liability – Toxic/Other
☐ 113 Intentional Tort

- ☐ 114 Property Damage
☐ 115 Legal Malpractice
☐ 115 Malpractice – Other professional
☐ 117 Premises Liability
☐ 118 Slander/Libel/Defamation
☐ 116 Other (Specify) _____

120 MEDICAL MALPRACTICE:

- ☐ 121 Physician M.D. ☐ 123 Hospital
☐ 122 Physician D.O. ☐ 124 Other

130 CONTRACTS:

- ☐ 131 Account (Open or Stated)
☐ 132 Promissory Note
☐ 133 Foreclosure
☐ 138 Buyer-Plaintiff
☐ 139 Fraud
☐ 134 Other Contract (i.e. Breach of Contract)
☐ 135 Excess Proceeds-Sale
☐ Construction Defects (Residential/Commercial)
 ☐ 136 Six to Nineteen Structures
 ☐ 137 Twenty or More Structures

150-199 OTHER CIVIL CASE TYPES:

- ☐ 156 Eminent Domain/Condemnation
☐ 151 Eviction Actions (Forcible and Special Detainers)
☐ 152 Change of Name
☐ 153 Transcript of Judgment
☐ 154 Foreign Judgment
☐ 158 Quiet Title
☐ 160 Forfeiture
☐ 175 Election Challenge
☐ 179 NCC-Employer Sanction Action
 (A.R.S. §23-212)
☐ 180 Injunction against Workplace Harassment
☐ 181 Injunction against Harassment
☐ 182 Civil Penalty
☐ 186 Water Rights (Not General Stream Adjudication)
☐ 187 Real Property
☐ Special Action against Lower Courts
 (See lower court appeal cover sheet in Maricopa)

- ☐ 194 Immigration Enforcement Challenge
 (§§1-501, 1-502, 11-1051)

150-199 UNCLASSIFIED CIVIL:

- ☐ Administrative Review
 (See lower court appeal cover sheet in Maricopa)
☐ 150 Tax Appeal
 (All other tax matters must be filed in the AZ Tax Court)
☐ 155 Declaratory Judgment
☐ 157 Habeas Corpus
☐ 184 Landlord Tenant Dispute- Other
☐ 190 Declaration of Factual Innocence
 (A.R.S. §12-771)
☐ 191 Declaration of Factual Improper Party Status
☐ 193 Vulnerable Adult (A.R.S. §46-451)
☐ 165 Tribal Judgment
☐ 167 Structured Settlement (A.R.S. §12-2901)
☐ 169 Attorney Conservatorships (State Bar)
☐ 170 Unauthorized Practice of Law (State Bar)
☐ 171 Out-of-State Deposition for Foreign Jurisdiction
☐ 172 Secure Attendance of Prisoner
☐ 173 Assurance of Discontinuance
☐ 174 In-State Deposition for Foreign Jurisdiction
☐ 176 Eminent Domain– Light Rail Only
☐ 177 Interpleader– Automobile Only
☐ 178 Delayed Birth Certificate (A.R.S. §36-333.03)
☐ 183 Employment Dispute- Discrimination
☐ 185 Employment Dispute-Other
☐ 195(a) Amendment of Marriage License
☐ 195(b) Amendment of Birth Certificate
☐ 163 Other _____
 (Specify)

COMPLEXITY OF THE CASE

If you marked the box on page one indicating that Complex Litigation applies, place an "X" in the box of no less than one of the following:

- ☐ Antitrust/Trade Regulation
☐ Construction Defect with many parties or structures
☐ Mass Tort
☐ Securities Litigation with many parties
☐ Environmental Toxic Tort with many parties
☐ Class Action Claims
☐ Insurance Coverage Claims arising from the above-listed case types
☐ A Complex Case as defined by Rule 8(h) ARCP

Additional Plaintiff(s)

Additional Defendant(s)

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____

For Clerk's Use Only

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Petitioner

Case No.: _____

And

Name of Respondent

SUMMONS

**WARNING: This is an official document from the court that affects your rights. Read this carefully.
If you do not understand it, contact a lawyer for help.**

FROM THE STATE OF ARIZONA TO: _____
Name of Respondent

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this *"Summons"*.
2. If you do not want a judgment or order taken against you without your input, you must file an *"Answer"* or a *"Response"* in writing with the court, and pay the filing fee. If you do not file an *"Answer"* or *"Response"* the other party may be given the relief requested in his/her Petition or Complaint. To file your *"Answer"* or *"Response"* take, or send, the *"Answer"* or *"Response"* to the:
 - Office of the Clerk of the Superior Court, 201 West Jefferson Street, Phoenix, Arizona 85003-2205
OR
 - Office of the Clerk of the Superior Court, 18380 North 40th Street, Phoenix, Arizona 85032 **OR**
 - Office of the Clerk of Superior Court, 222 East Javelina Avenue, Mesa, Arizona 85210-6201 **OR**
 - Office of the Clerk of Superior Court, 14264 West Tierra Buena Lane, Surprise, Arizona, 85374.

Mail a copy of your *"Response"* or *"Answer"* to the other party at the address listed on the top of this Summons.

3. If this ***“Summons”*** and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your ***“Response”*** or ***“Answer”*** must be filed within **TWENTY (20) CALENDAR DAYS** from the date you were served, not counting the day you were served. If this ***“Summons”*** and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within **THIRTY (30) CALENDAR DAYS** from the date you were served, not counting the day you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.
4. You can get a copy of the court papers filed in this case from the Petitioner at the address listed at the top of the preceding page, from the Clerk of the Superior Court’s Customer Service Center at:
 - 601 West Jackson, Phoenix, Arizona 85003
 - 18380 North 40th Street, Phoenix, Arizona 85032
 - 222 East Javelina Avenue, Mesa, Arizona 85210
 - 14264 West Tierra Buena Lane, Surprise, Arizona, 85374.
5. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least ten (10) judicial days before your scheduled court date.
6. Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case at least ten (10) judicial days in advance of your scheduled court date.

SIGNED AND SEALED this date

MICHAEL JEANES, CLERK OF COURT

By _____
Deputy Clerk

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

PLAINTIFF,

VS.

DEFENDANT.

Case Number: _____

CERTIFICATE OF COMPULSORY ARBITRATION

The undersigned certifies that the largest award sought by the complainant, including punitive damages, but excluding interest, attorneys' fees, and costs **does / does not** exceed limits set by Local Rule for compulsory arbitration. This case **is / is not** subject to compulsory arbitration as provided in Rules 72 through 77 of the Rules of Civil Procedure.

SUBMITTED this _____ day of _____, 20____.

BY _____

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____

For Clerk's Use Only

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Plaintiff

Case Number: _____

Title: **CIVIL COMPLAINT**

Name of Defendant

Plaintiff hereby submits this complaint against Defendant(s) and alleges the following:

JURISDICTION and VENUE

1. Maricopa County Superior Court has the legal authority to hear and decide this case because: *(Check all boxes that are true.)*

- ☐ The value of this case exceeds \$10,000 dollars.
- ☐ Replevin or other nonmonetary remedy will take place in Maricopa County.
- ☐ The Plaintiff resides in Maricopa County.
- ☐ The Defendant resides in Maricopa County.
- ☐ The Defendant does business in Maricopa County.
- ☐ The events, actions, or debts subject of this Complaint occurred in Maricopa County.
- ☐ Other reason: _____

PARTIES

2. The Plaintiff in this case is _____

3. The Defendant in this case is _____

STATEMENT OF FACTS AND BREACH

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

(If you need more space, add an attachment labeled "Statement of Facts and Breach," and continue consecutive numbering.)

APPLICABLE LAW SUPPORTING CLAIMS

() _____

() _____

() _____

() _____

() _____

() _____

(If you need more space, add an attachment labeled "Applicable Laws Supporting Claims," and continue consecutive numbering.)

INJURIES

() _____

() _____

() _____

() _____

() _____

(If you need more space, add an attachment labeled "Injuries," and continue consecutive numbering.)

DEMAND FOR RELIEF

WHEREFORE, Plaintiff demands judgment against defendant(s), and each of them (if applicable) for the following dollars, interest, costs and expenses incurred herein, **or** non-monetary remedy, including reasonable attorneys' fees, and for such other and further relief as the Court may deem just and proper.

() _____

() _____

() _____

() _____

(If you need more space, add an attachment labeled "Demand for Relief," and continue consecutive numbering.)

DEMAND FOR JURY TRIAL (Optional)

☐ I request a jury trial, and wrote this in the "Title" below the words "Civil Complaint."

Dated this _____.
(Date of signature)

(Signature of Plaintiff or Plaintiff's Attorney)